

**Assembly Bill No. 739**

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Passed the Assembly May 31, 2005

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*Chief Clerk of the Assembly*

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Passed the Senate September 1, 2005

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 85310.5 to the Government Code, relating to political communications.

## LEGISLATIVE COUNSEL'S DIGEST

AB 739, Nation. Political expenditure disclosure.

Existing provisions of the Political Reform Act of 1974, as amended by Proposition 34 of the November 7, 2000, statewide general election, require a person who pays or promises to pay \$50,000 or more for an issue advocacy communication, which clearly identifies a candidate for elective state office but does not expressly advocate the election or defeat of the candidate, made within 45 days of an election, to file a specified disclosure report online or electronically with the Secretary of State within 48 hours of making or promising the payment.

This bill, if approved by the voters as discussed below, would additionally require a person who pays or promises to pay \$10,000 or more for an issue advocacy communication that clearly identifies a candidate for elective local office under the same circumstances to file this disclosure report in the places where it would be required to be filed if the payment were an independent expenditure.

Existing provisions of the act also provide that if any person has received a payment or a promise of a payment from other persons totaling \$5,000 or more for the purpose of making a communication described above concerning a candidate for elective state office, except as payment for goods or services as specified, the person receiving the payments shall disclose on the report the name, address, occupation and employer, and date and amount received from the person.

This bill, if the contents are approved by the voters, would also require that additional disclosure if a payment or promise of a payment for the purpose of making a communication concerning a candidate for elective local office totals \$1,000 or more.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act by a statute that becomes effective only when approved by the electors, or, alternatively, by a bill that furthers the act's purposes and that is

passed with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill, would require the Secretary of State to submit its contents for approval to the voters at a statewide election, as specified, would therefore require a majority vote.

*The people of the State of California do enact as follows:*

SECTION 1. Section 85310.5 is added to the Government Code, to read:

85310.5. (a) Any person who makes a payment or a promise of payment totaling ten thousand dollars (\$10,000) or more for a communication that clearly identifies a candidate for elective local office, but does not expressly advocate the election or defeat of the candidate, and that is disseminated, broadcast, or otherwise published within 45 days of an election, shall file a report disclosing the name, address, occupation, and employer of the person, and the amount of the payment. The report shall be filed in the places where it would be required to be filed if the payment were an independent expenditure, and shall be filed within 48 hours of making the payment or the promise to make the payment.

(b) (1) Except as provided in paragraph (2), if any person has received a payment or a promise of a payment from another person or other persons totaling one thousand dollars (\$1,000) or more for the purpose of making a communication described in subdivision (a), the person receiving the payments shall disclose on the report the name, address, occupation, and employer of the other person or persons, and the date and amount of the payment or promise of payment from the person or persons.

(2) A person who receives or is promised a payment that is otherwise reportable under paragraph (1) is not required to report the payment if the person is in the business of providing goods or services and receives or is promised the payment for the purpose of providing those goods or services.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the

penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. The Secretary of State shall, pursuant to subdivision (b) of Section 81012 of the Government Code, submit this act for approval to the voters at a statewide election in accordance with Section 9040 of the Elections Code.







Approved \_\_\_\_\_, 2005

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*Governor*